

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BRENT SCOTT BAILEY,

Plaintiff,

v.

Civil Action No. **3:16CV223**

BARAK OBAMA, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a federal inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Plaintiff does not identify the particular constitutional right that was violated by the defendants' conduct. Accordingly, by Memorandum Order entered on September 27, 2016, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the September 27, 2016 Memorandum Order. Plaintiff failed to submit a particularized complaint. Instead, Plaintiff filed a Motion for Contempt, wherein he complains about his recent transfer. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: 11/28/16
Richmond, Virginia

John A. Gibney, Jr.
United States District Judge